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10/015,267	12/12/2001	Michael Wayne Brown	AUS920010821US1	1757

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 04/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,267

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 31-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 40-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02. 6) ☐ Other: _____

DETAILED ACTION

Restriction Requirement

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-30 and 40-51, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01.

Group II. Claims 31-39, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1-30 and 40-51, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01 and Group II. Claims 31-39, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group I has separate utility such as for use in Voice activation or recognition for the origin device. See M.P.E.P. § 806.05(d).
3. Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated proper.
4. During a telephone conversation with Cynthia S. Byrd on 03/21/03 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-30 and 40-51. Affirmation of this election must be made by applicant in responding to this Office action. Claims 31-39 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

5. **Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.** Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 8, 10-13, 15, 19, 21, 22, 24, 26, 30, 40-42, 44-47 and 49-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claim 1, Bartholomew teaches detecting, at the IP 23, an input speech of an answering party from the subscriber premises (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'an input speech of an answering party from the subscriber premises' reads on the claim 'a voice utterance of a callee from a destination device').

Bartholomew further teaches identifying, at the IP 23, an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering

party for a telephone call (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'IP 23' reads on the claim 'origin device', 'input speech' reads on the claim 'voice utterance' and 'telephone call' reads on the claim 'incoming telephone call').

Regarding claims 2, 13 and 24, Bartholomew teaches instructing the answering party, from the IP 23, to provide the input speech (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'instructing' reads on the claim 'prompting', 'answering party' reads on the claim 'callee', 'IP 23' reads on the claim 'origin device' and 'input speech' reads on the claim 'voice utterance').

Regarding claims 4, 15 and 26, Bartholomew teaches extracting speech information from the input speech (col.43, lines 36-67, col.44, lines 1-12; 'information' reads on the claim 'characteristics' and 'input speech' reads on the claim 'voice utterance').

Bartholomew further teaches comparing the speech information to stored pattern information for identifying the answering party (col.43, lines 36-67, col.44, lines 1-12; 'information' reads on the claim 'characteristics', 'stored pattern information' reads on the claim 'a plurality of voice samples stored' and 'the answering party' reads on the claim 'a plurality of callees').

Regarding claims 8, 19 and 30, Bartholomew teaches enabling the caller to identify a preferred answering party at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'instructing' reads on the claim 'prompting', 'answering party' reads on the claim 'callee', 'IP 23' reads on the claim 'origin device').

Bartholomew further teaches providing an identifier for the preferred answering party to the destination central office switch, wherein destination central office switch is enabled to load subscriber profile information according to the identifier for the preferred answering party (fig.1; col.14, lines 9-52, col.43, lines 3-67, col.44, lines 1-12; 'providing' reads on the claim 'transferring', 'answering party' reads on the claim 'callee', 'destination central office switch' reads on the claim 'destination device' and 'load subscriber profile information' reads on the claim 'adjust output').

Regarding claims 10 and 21, Bartholomew teaches that the IP 23 is inherently a telephony device (fig.1; col.11, lines 63-67, col.12, lines 1-49, col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device').

Regarding claims 11 and 22, Bartholomew teaches that the answering party identity comprises at least one from among an answering party name, an answering party location, a subject of the call, and a central office identification (col.41, lines 1-67, col.42, lines 1-58, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee' and 'central office' reads on the claim 'device').

Regarding claim 12, Bartholomew teaches an IP 23 connected to an intelligent telephone network (fig.1; col.11, lines 63-67, col.12, lines 1-49, col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'intelligent telephone network' reads on the claim 'telephone network').

Bartholomew teaches detecting, at the IP 23, an input speech of an answering party from the subscriber premises (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23'

reads on the claim 'origin device' and 'an input speech of an answering party from the subscriber premises' reads on the claim 'a voice utterance of a callee from a destination device').

Bartholomew further teaches identifying, at the IP 23, an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering party for a telephone call (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'IP 23' reads on the claim 'origin device', 'input speech' reads on the claim 'voice utterance' and 'telephone call' reads on the claim 'incoming telephone call').

Regarding claim 23, Bartholomew teaches database (col.37, lines 21-32, col.42, lines 59-67, col.43, lines 1-67, col.44, lines 1-12; 'database' reads on the claim 'recording medium').

Bartholomew teaches detecting, at the IP 23, an input speech of an answering party from the subscriber premises (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'an input speech of an answering party from the subscriber premises' reads on the claim 'a voice utterance of a callee from a destination device').

Bartholomew further teaches identifying, at the IP 23, an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering party for a telephone call (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'IP 23' reads on the claim 'origin device', 'input speech' reads on the claim 'voice utterance' and 'telephone call' reads on the claim 'incoming telephone call').

Regarding claim 40, Bartholomew teaches detecting an input speech of an answering party from the subscriber premises at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67,

col.44, lines 1-12; 'an input speech of an answering party from the subscriber premises' reads on the claim 'a voice utterance of a callee from a destination device' and 'IP 23' reads on the claim 'origin device originating a call').

Bartholomew further teaches authenticating an identity an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering party for a telephone call at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'input speech' reads on the claim 'voice utterance', 'telephone call' reads on the claim 'incoming telephone call' and 'IP 23' reads on the claim 'origin device').

Bartholomew further teaches enabling output of the authenticated identity from the IP 23 such that a caller accessing IP 23 is informed of an identity of the answering party (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'answering party' reads on the claim 'callee').

Regarding claims 41, 46 and 51, Bartholomew teaches comparing the speech information to stored pattern information (col.43, lines 36-67, col.44, lines 1-12; 'speech information' reads on the claim 'voice utterance' and 'stored pattern information' reads on the claim 'with at least one voice imprint stored at said origin device').

Bartholomew further teaches comparing the speech information to the pattern information, authenticating the identity of the answering party according to an answering party identification stored in association with the pattern information (col.43, lines 36-67, col.44, lines 1-12; 'comparing the speech information to the pattern information' reads on the claim

‘responsive to matching said voice utterance with said at least one voice imprint’, ‘answering party’ reads on the claim ‘callee’ and ‘pattern information’ reads on the claim ‘voice imprint’).

Regarding claims 42 and 47, Bartholomew teaches inherently accessing at least one pattern information from the police (col.43, lines 36-67, col.44, lines 1-12; ‘pattern information’ reads on the claim ‘with at least one voice imprint’ and ‘police’ reads on the claim ‘third party server’).

Bartholomew further teaches comparing the speech information to the pattern information, authenticating the identity of the answering party according to an answering party identification stored in association with the pattern information (col.43, lines 36-67, col.44, lines 1-12; ‘comparing the speech information to the pattern information’ reads on the claim ‘responsive to matching said voice utterance with said at least one voice imprint’, ‘answering party’ reads on the claim ‘callee’ and ‘pattern information’ reads on the claim ‘voice imprint’).

Regarding claims 44 and 49, Bartholomew teaches that output comprises audio prompt message (col.43, lines 36-67, col.44, lines 1-12; ‘audio prompt message’ reads on the claim ‘audio output via a speaker’).

Regarding claim 45, Bartholomew teaches originating central office for inherently originating a call (col.22, lines 30-67, col.23, lines 1-60, col.32, lines 20-42; ‘originating central office’ reads on the claim ‘origin device’).

Bartholomew teaches detecting an input speech of an answering party from the subscriber premises at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; ‘an input speech of an answering party from the subscriber premises’ reads on the claim ‘a voice utterance of a callee from a destination device’ and ‘IP 23’ reads on the claim ‘origin device’).

Bartholomew further teaches authenticating an identity an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering party for a telephone call at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'input speech' reads on the claim 'voice utterance', 'telephone call' reads on the claim 'incoming telephone call' and 'IP 23' reads on the claim 'origin device').

Bartholomew further teaches enabling output of the authenticated identity from the IP 23 such that a caller accessing IP 23 is informed of an identity of the answering party (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'answering party' reads on the claim 'callee').

Regarding claim 50, Bartholomew teaches database (col.37, lines 21-32, col.42, lines 59-67, col.43, lines 1-67, col.44, lines 1-12; 'database' reads on the claim 'recording medium').

Bartholomew teaches detecting an input speech of an answering party from the subscriber premises at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'an input speech of an answering party from the subscriber premises' reads on the claim 'a voice utterance of a callee from a destination device' and 'IP 23' reads on the claim 'origin device').

Bartholomew further teaches authenticating an identity an answering party associated with the input speech, such that the answering party identity is generated as identity of the answering party for a telephone call at the IP 23 (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'answering party' reads on the claim 'callee', 'input speech' reads on the claim 'voice utterance', 'telephone call' reads on the claim 'incoming telephone call' and 'IP 23' reads on the claim 'origin device').

Bartholomew further teaches enabling output of the authenticated identity from the IP 23 such that a caller accessing IP 23 is informed of an identity of the answering party (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; 'IP 23' reads on the claim 'origin device' and 'answering party' reads on the claim 'callee').

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Patent No. 6,167,119) and in view of McAllister (U.S. Patent No. 6,101,242).

Regarding claims 3, 14 and 25, Bartholomew fails to teach "prompting said callee to enter an additional input to verify said callee identity". McAllister teaches prompting the called party for one or more repeat attempts (col.34, lines 1-61; 'called party' reads on the claim 'callee' and 'for one or more repeat attempts' reads on the claim 'enter an additional input to verify said callee identity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to have the prompt in order to provide more information to verify identification of the called party.

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10. Claims 7, 18, 29, 43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Patent No. 6,167,119) and in view of Silverman et al. (U.S. Patent No. 5,875,240).

Regarding claims 7 and 18, Bartholomew fails to teach “displaying said callee identity to said caller at said origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity”. Silverman teaches displaying the called party identification information at the end-user device to which the call is routed before the call is answered (col.2, lines 26-55; ‘the end-user device to which the call is routed before the call is answered’ reads on the claim ‘origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow displaying the callee identity as taught by Silverman. The motivation for the modification is to have the display in order to provide the information of the called party.

Regarding claim 29, Bartholomew fails to teach “controlling output of said callee identity to said caller at said origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity”. Silverman teaches displaying the called party identification information at the end-user device to which the call is routed before the call is answered (col.2, lines 26-55; ‘displaying the called party identification information’ reads on the claim ‘controlling output of said callee identity to said caller’ and ‘the end-user device to which the call is routed before the call is answered’ reads on the claim ‘origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Bartholomew to allow displaying the callee identity as taught by Silverman. The motivation for the modification is to have the display in order to provide the information of the called party.

Regarding claims 43 and 48, Bartholomew fails to teach “displayable output to a graphical user interface”. Silverman teaches displaying the called party identification information (col.2, lines 26-55; ‘displaying the called party identification information’ reads on the claim ‘displayable output to a graphical user interface’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow displayable output as taught by Silverman. The motivation for the modification is to have the display in order to provide the information of the called party.

11. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Patent No. 6,167,119) and in view of Baker (U.S. Patent No. 5,533,109).

Regarding claims 9 and 20, Bartholomew fails to teach “said origin device is a private exchange network”. Baker teaches that the calling party device is a PBX unit (fig.1, fig.2; col.2, lines 26-55; ‘calling party device’ reads on the claim ‘origin device’ and ‘PBX unit’ reads on the claim ‘private exchange network’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow the origin device as a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

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Allowable Subject Matter

12. Claims 5, 6, 16, 17, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.
MD SHAFIUL ALAM ELAHEE
March 24, 2003


Kimberly A. Williams
Primary Examiner
Technology Center 2600